



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

MAR 12 2015

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED #7014 0150 0000 2453 9520

Severn Trent Environmental Services, Inc.
16337 Park Row
Houston, Texas 77084

Re: U.S. Oil Recovery Superfund Site, Pasadena, Harris County, Texas
SSID No. A6X7

Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from TestAmerica and/or Severn Trent in providing information and documents relating to the U.S. Oil Recovery Superfund Site (Site). Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. The response from TestAmerica and/or Severn Trent will also help the EPA develop a better understanding of activities that occurred at the Site.

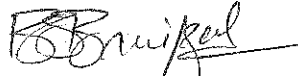
This information request is not a determination that your company is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect your company to pay for or perform any site-related activities at this time. If the EPA determines that your company is responsible or potentially responsible for response activities at the Site, your company will receive a separate letter clearly stating such a determination as well as the basis the EPA has for the determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require TestAmerica to respond to this information request (see Enclosure 1). We encourage your company to give this matter its full attention, and ***we respectfully request TestAmerica and/or Severn Trent to respond to this request for information within thirty (30) days of its receipt of this letter.*** You may designate another official of TestAmerica and/or Severn Trent with the requisite authority to respond on behalf of the company. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Ms. Cynthia Brown, Removal Enforcement Coordinator, at the address included in the Information Request. Please refer to the enclosures below, which include important instructions and definitions, as well as the questions for response, in the preparation of your reply to this Information Request.

If you have any questions regarding this letter, contact Ms. Brown at (214) 665-7480. For legal questions concerning this letter, please have your legal counsel contact Mr. Edwin Quinones, Assistant Regional Counsel, at (214) 665-8035. Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "B. Banipal", with a long horizontal flourish extending to the right.

Ben Banipal, P.E., Associate Director
Technical and Enforcement Branch
Superfund Division

Enclosures (3)

ENCLOSURE 1
U.S. OIL RECOVERY SUPERFUND SITE
INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the Federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e). 42 U.S.C. §9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Ms. Cynthia Brown, the designated Enforcement Officer for the Site, at phone number (214) 665-7480, fax number (214) 665-6660 or via email at Brown.Cynthia@EPA.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Ms. Cynthia Brown, Removal Enforcement Coordinator
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Mr. Edwin Quinones at phone number (214) 665-8035, fax number (214) 665-6460 or via email at Quinones.edwin@EPA.gov. For contact via mail, use the following address:

Mr. Edwin Quinones, Assistant Regional Counsel
Office of Regional Counsel (6RC-S)
U. S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

U.S. Oil Recovery (USOR) opened for business in December 2003, in Pasadena, Texas, to handle used oil. In its proprietary plant, USOR performed municipal and industrial wastewater pretreatment of Class I and Class II wastewater, characteristically hazardous waste, used oil and oily sludges, and municipal solid waste. The USOR facility is located on approximately 13 acres located north of the City of Pasadena at 400 North Richey. The MCC Recycling facility (MCC) is located on approximately 5 acres located north of the City of Pasadena at 200 North Richey with a mailing address and business office at 400 North Richey. Both locations collectively are considered the Site.

Historical inspections/investigations conducted by the Harris County Public Health and Environmental Services and the Texas Commission on Environmental Quality have shown elevated levels of benzene and chlorinated solvents in some of the waste stored onsite. Specific hazardous substances found at the facility by the EPA include, but are not limited to flammables (D001), corrosives (D002), arsenic (D004), barium (D005), CADMIUM (D006), CHROMIUM (D007), lead (D008), mercury (D009), selenium (D010), silver (D011), benzene (D018), chloroform (D022), 1,2-dichloroethane (D028), methyl ethyl ketone (D035), tetrachloroethylene (D039), trichloroethylene (D040), acetone and hydrogen sulfide. In addition, both samples collected by EPA at MCC from an uncontrolled discharge in the pump control room and from a leak at the chlorine contact chamber had detections for acetone, benzene, toluene, ethyl benzene, methyl ethyl ketone, and xylene.

To date, the EPA has taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

The Site has had three EPA emergency response actions, followed by a time-critical response which is currently ongoing. The EPA and its contractors performed preliminary assessments of the Site property on July 2, 2010, and again on November 9, 2010. The preliminary assessments identified and observed the historic and ongoing release of hazardous substances from the Site property, to wit, the waste receiving facility (USOR) and pretreatment facility (MCC).

On July 2, 2010, the EPA activated Emergency Rapid Response Services (ERRS) contractors to the Site to contain off-site migration, and to mitigate the threat and stabilize the Site. Containment actions included placement of booms and absorbent pads, use of pumps and 13 frac tanks, and establishing temporary staging areas for warehouse drums and totes following segregation. Mitigation actions included dropping containment content elevations to below overflow threat levels creating free-board or emptying completely, drum over-packing, drum and tote sampling and assessing by field hazard characterization analysis, drum and tote segregating and marking, securing roll-off containers (with tarps, bows, or poles as needed), and securing perimeter fencing (repair section of damaged fence and replace missing locks.)

On November 8, 2010, and again in January 2011, the EPA was requested to respond to the USOR facility to manage Site runoff of contaminated storm water. The EPA activated the ERRS contractors and Superfund Technical Assessment and Response Team (START-3) contractors to mobilize to the Site, contain offsite migration, mitigate the threat, and stabilize the Site. The EPA has repeatedly dropped the levels in the secondary containments and bays and removed pH less than 2 liquids and sludges and benzene contaminated sludges to also prevent overflow of contamination.

The scope of the time-critical removal action, as described in the March 17, 2011, Action Memorandum, includes the removal and disposal of hazardous substances that were abandoned at the two properties within the Site and which have been the source of previous and ongoing emergency response actions to stabilize the Site. Hazardous substances, pollutants, or contaminants have been found in above ground storage tanks, totes, drums, roll-off box containers, containment areas, secondary containment areas, a retention pond, parking lots, a bioreactor, and throughout the former waste water treatment facility.

ENCLOSURE 2
U.S. OIL RECOVERY SUPERFUND SITE
INFORMATION REQUEST
INSTRUCTIONS and DEFINITIONS

INSTRUCTIONS

Under the authority of Section 104(e) (2) of CERCLA, 42 U.S.C. § 9604(e) (2), EPA is requesting you to respond to this Information Request. Compliance with this Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties.

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in the Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. Pursuant to CERCLA Section 104(e)(2), if additional information or documents responsive to this Request become known or available to you after you respond to this Request, you must supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant Sections 104(e) (7) (E) and (F) of CERCLA, 42 U.S.C. § 9604(e) (7) (E) and F, and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b). To prove your claim of confidentiality, each document must separately address the following points:
 - A. the portions of the information alleged to be entitled to confidential treatment;
 - B. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - C. measures taken by you to guard against the undesired disclosure of the information to others;

- D. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- E. pertinent confidentiality determinations; if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- F. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit both a clean and a redacted version of any documents or response for which you claim confidential in a separate envelope. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). **If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.**

- 7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by the EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information.
- 8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on a separate sheet(s), and marked as "Personal Privacy Information".
- 9. Objections to Questions. Even if you have objections to some or all the questions within the Information Request, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in Information Request. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act ("RCRA"), in which case the statutory or regulatory definitions shall apply.

1. The terms "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any" (e.g., as in "any documents"), shall mean "any and all."
3. The term "arrangement" shall mean every separate contract or other agreement between two or more persons, whether written or oral.
4. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.
5. The term "disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material into or on any land or water, including ground water.
6. The term "document(s)" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings/agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telescope, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, Photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc pack, tape or other type of memory generally associated with computers and data processing (including printouts and the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory), every copy of each document which is not an exact duplicate of a document which is produced, every copy of each document which has any writing on it (including figures, notations, annotations, or the like), drafts of documents, attachments to or enclosures with any document, and every document referred to in any other document.

7. The term "generator" shall mean persons who arranged for the disposal or treatment of hazardous substances at the U.S. Oil Recovery Superfund Site where the hazardous substances were released.
8. The term "hazardous material" shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
9. The term "hazardous substance" shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. Section 9601(14), and includes any mixtures of such hazardous substances with any other substances.
10. The term "hazardous waste" shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C., Section 6903(5), and 40 CFR Part 261.
11. The term "identify" shall mean, with respect to a natural person, to set forth the person's name, present or last known business, present or last known job (including job title and position), and personal addresses and telephone numbers.
12. The term "identify" shall mean, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g., corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.
13. The term "identify" shall mean, with respect to a document, to provide the type of document. This information includes the document's customary business description, its date, its number (e.g., invoice or purchase order number), if any, subject matter, the identity of the author (including the addressor and the addressee and/or recipient), and the present location of such document.
14. The term "identify" shall mean, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
15. The term "material(s)" shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.
16. The term "operator" shall mean those persons who once owned or operated the place (i.e., U.S. Oil Recovery at 400 North Richey Street, or MCC at 200 North Richey Street, Pasadena, Harris County, Texas) where hazardous substances were released.

17. The term "owner" shall mean the person who now owns the property (i.e., U.S. Oil Recovery,) where the hazardous substances were released or person(s) who previously owned the property.
18. The term "person" shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C., Section 9601(21), and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.
19. The terms "pollutant" or "contaminant," shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C., Section 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.
20. The term "property interest" shall mean any interest in property including, but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
21. The term "real estate" shall mean and include, but not be limited to, the following: land, buildings, homes, dwelling places, condominiums, cooperative apartments, offices or commercial buildings. The term includes real estate located outside of the United States.
22. The term "release" has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C., Section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
23. The terms "Site" or "Facility" shall mean and include operations at the business located at 400 North Richey Street, and 200 North Richey Street, in Pasadena, Harris County, Texas.
24. The term "solid waste" shall have the same definition as that contained in Subsection 1004(27) of RCRA, 42 U.S.C., Section 9603(27), and 40 CFR Part 261.

25. The terms "transaction" or "transact" shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
26. The term "transporter" shall mean persons who selected the place (i.e., U.S. Oil Recovery or MCC) at the addresses of 400 North Richey Street and 200 North Richey Street, Harris County, Pasadena, Texas, where the hazardous substances were released as a disposal site and transported the hazardous substances to that place.

ENCLOSURE 3
U.S. OIL RECOVERY SUPERFUND SITE
INFORMATION REQUEST
QUESTIONS

1. Please describe Severn Trent Laboratories' (Severn Trent) and/or TestAmerica Laboratories, Inc.'s (TestAmerica) relationship with the City of Pasadena, Texas, as it relates to the property located at 200 N. Richey, in Pasadena, Texas. The property is the former City of Pasadena Waste Water Treatment Plant (WWTP).
2. Please describe Severn Trent's and/or TestAmerica's business operations at 200 North Richey, Pasadena, Harris County, Texas, and include dates of operation at that location, chemicals used, stored, treated, detected from sampling and/or monitoring events, and/or disposed of at that location, and any hazardous substances used, stored, treated, detected from sampling and/or monitoring events, and/or disposed of at that location.
3. Did Severn Trent and/or TestAmerica have a contract to work for the City of Pasadena at the WWTP at any time since 1980? If so, what was the purpose of the contract and what services were being provided to the City at the Waste Water Treatment Plant?
4. What was the status and condition of the WWTP when Severn Trent and/or TestAmerica, began their work at the WWTP? Please include operational condition, environmental conditions, storage/handling of material, waste, or hazardous substances, and any photographs of its condition.
5. What was the status of the WWTP when Severn Trent, and/or TestAmerica completed their work at the WWTP? Please include operational condition, environmental conditions, storage/handling of materials, waste, or hazardous substances and any photographs of its condition.
6. Did Severn Trent and/or TestAmerica maintain the plant until it was sold to U.S. Oil Recovery in 2009?
7. Describe the condition of the WWTP when it was sold in 2009 and provide any reports and photographs of the WWTP of its condition when sold.
8. Describe the steps taken to clean up the plant before it was sold to USOR, and provide the names and contact information of any contractors and/or subcontractors involved in the plant's cleanup.

9. Please provide a copy of the closure report for the WWTP.
10. Please provide a waste profile for each hazardous waste or Class I waste stream handled at the Site. Also, provide all waste codes for each waste stream.
11. What chemicals were used at the WWTP that created the hazardous waste stream?
12. Did any of the chemicals used at the WWTP contain any of the following hazardous substances: arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, benzene, chloroform, 1, 2-dichloroethane, methyl ethyl ketone, tetrachloroethylene, trichloroethylene, acetone, or hydrogen sulfide? If so, please identify which hazardous substance(s) was/were used. Also, please provide copies of any documents listing such hazardous substance(s) and how it and/or the chemical(s) were used in the operations at the Site, the purpose for such hazardous substance(s) and/or chemical(s) and how or if such hazardous substance(s) and/or chemical(s) were disposed of.
13. Were there any discharges or samples taken or monitoring done during the operations at the WWTP? If so, did any of the discharges include or sampling or monitoring results detect the following: arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, benzene, chloroform, 1, 2-dichloroethane, methyl ethyl ketone, tetrachloroethylene, trichloroethylene, acetone, or hydrogen sulfide? If so, please provide the dates and locations such discharges occurred or samples/monitoring were taken and copies of any such sampling or monitoring results.
14. At the time of transfer from the City of Pasadena to U.S. Oil Recovery, please provide analytical data, if any, to support the conclusion that any substances remaining in the tanks or any other containment structure at the 200 North Richey property was non-hazardous waste?
15. Please describe any spills or releases that took place while Severn Trent and/or TestAmerica was managing the property.
16. What was Severn Trent and/or TestAmerica's involvement with the discharge permit associated with the plant?
17. Did Severn Trent and/or TestAmerica have any exceedances to any permits and why?